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Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC
and the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Substantively
Consolidated SIPA Liquidation of Bernard L. Madoff
Investment Securities LLC and for the Estate of
Bernard L. Madoff,

Plaintiff,

v.

ESTATE OF IRVING J. PINTO, JAMIE PINTO, in
his capacity as Personal Representative of the Estate
of Irving J. Pinto, and THE IRVING J. PINTO 1996
GRANTOR RETAINED ANNUITY TRUST,

Defendants.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

Adv. Pro. No. 10-04744 (SMB)

**STIPULATION AND ORDER FOR VOLUNTARY DISMISSAL
OF ADVERSARY PROCEEDING WITH PREJUDICE**

Irving H. Picard (the “Trustee”), as trustee for the substantively consolidated SIPA liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.*, and the estate of Bernard L. Madoff individually, by and through his counsel, Baker & Hostetler LLP, and the Estate of Irving J. Pinto (“Estate”), Jamie Pinto, in his capacity as Personal Representative of the Estate, and the Irving J. Pinto 1996 Grantor Retained Annuity Trust (“1996 Trust”, and collectively referred to as “Defendants”), by and through their attorneys, Elise Frejka, Frejka PLLC (collectively, the “Parties”), hereby stipulate and agree to the following:

1. On December 1, 2010, the Trustee filed and served the Complaint against Irving J. Pinto, the 1996 Trust, the Irving J. Pinto 1994 Grantor Retained Annuity Trust (“1994 Trust”), and Sidney Kaplan, as Trustee of the 1994 Trust.

2. Irving J. Pinto died during the pendency of the action, and the Estate and Jamie Pinto were substituted as Defendants in March 2014 [ECF 33].

3. The Estate, Jamie Pinto, Sidney Kaplan, the 1994 Trust and the 1996 Trust answered the Complaint on August 14, 2015 [ECF 47].

4. Sidney Kaplan and the 1994 Trust were voluntarily dismissed by stipulated order on November 17, 2016 [ECF No. 53].

5. On April 18, 2018, in Case No. PSP 1300258, *In re Estate of Irving J. Pinto*, the Honorable John G. Evans of the Superior Court of the State of California for the County of Riverside, Indio Branch, entered an Order on First and Final Account, Report of Insolvent Estate and Petition for Termination of Estate Administration (“Order”). The Order provides that: (i) the Estate is insolvent and has no assets to pay the claims filed against the Estate; (ii) the Trustee’s claim against the Estate is allowed in the full amount; and (iii) any property acquired or

discovered by the Estate after the date of the Order shall be paid first to the Trustee until his allowed claim is paid in full.

6. In accordance with Federal Rule of Bankruptcy Procedure 7041(a)(1)(ii), and Federal Rule of Civil Procedure 41(a)(1), the Parties hereby stipulate to a dismissal with prejudice of the Trustee's claims against Defendants in the above-captioned adversary proceeding and dismissal of the adversary proceeding with prejudice.

7. The provisions of this Stipulation shall be binding upon and shall inure to the benefit of the Parties and their respective successors and assigns and upon all creditors and parties of interest.

[Remainder of page intentionally left blank]

8. This Stipulation may be signed by the Parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic, or electronic copy of this Stipulation shall be deemed an original.

Dated: May 2, 2018
New York, New York

BAKER & HOSTETLER LLP

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Attorneys for Defendants

SO ORDERED:

Dated May 2, 2018
New York, New York

S/ STUART M. BERNSTEIN
HON. STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY JUDGE